

### **REMARKS**

Claims 1-5, 7-14 and 16-22 are currently pending in the subject application and are presently under consideration. Claim 8 has been amended to cure an informality as shown on pp. 2-4 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Objection to Claim 8**

Claim 8 stands objected to because it is dependant on cancelled claim 6. This objection should be withdrawn because claim 8 has been amended to depend from independent claim 1.

#### **II. Rejection of Claims 1-5, 8, 10-14, 16-18 and 20-22 Under 35 U.S.C. §103(a)**

Claims 1-5, 8, 10-14, 16-18 and 20-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 6,950,680 Kela *et al.* (Kela) and further in view of US Patent No. 6,115,616 Halperin *et al.* (Halperin). Reconsideration and allowance of claims 1-7, 13-15 and 17-18 is respectfully requested for at least the following reasons. Neither Kela, nor Halperin, individually or in combination, teach or suggest all the claim limitations of the subject invention.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) ***must teach or suggest all the claim limitations***. See MPEP §706.02(j) (emphasis added). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's

disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants' claimed subject matter relates generally to key pad assemblies, and more particularly to systems and methods that provide for a top cover and bottom cover being overmolded around an entire common boundary therebetween, to encapsulate various key pad components. To this end, independent claim 1 (and similarly independent claims 11, 16, and 22) recites *A key pad assembly comprising: a top cover placed over a stack of keypad components; a bottom cover placed under the stack; the top cover and the bottom cover over molded around the stack to form a self contained key pad unit; and an identification component that identifies the key pad to a device that hosts the self contained key pad unit.* Neither Kela nor Halperin discloses at least this novel feature.

Kela relates to an electronic device incorporating an electronic display, and a keypad. As Examiner has conceded, Kela does not disclose all claimed elements of applicants' claimed subject matter, and offers Halperin in an attempt to remedy the deficiencies of Kela (*See* Office action dated May 21, 2007, page 2). However, Halperin is similarly deficient with respect to applicants' claimed subject matter, and fails to disclose all elements of the subject claims, as can be readily determined from a reading of Halperin.

Halperin relates to hand-held telephone sets and more particularly to wireless and cellular telephone handsets including a keyboard independent from the handset. The document discloses a handset that features a detachable keyboard, to allow a user to speak into and listen to the handset while simultaneously entering information into the keyboard, due to the detachability of the keyboard. Examiner states that Halperin discloses *an identification component that identifies the keypad to a device that hosts the self contained keypad unit* as recited in independent claim 1, and cites column 5, lines 15-23 of Halperin for this element. Applicants' representative disagrees with Examiner's reading of Halperin – the cited passage does not disclose this claimed element. Halperin discloses using unused memory to store codes which can be programmed and stored in the handset, and states:

Such information could be used for additional identification when needed for verifying charge cards or the like or whenever a PIN number is needed. To access this information for transmission, the person using the phone simply depresses one or more keys in sequence or simultaneously to cause this stored information to be transmitted.

It is readily apparent that the identification disclosed in Halperin is between the person using the telephone and some entity on the other end of the phone call. Charge card authorization and PIN numbers are only used to identify an individual, and cannot be used to *identify a keypad to a device that hosts the self-contained keypad*, as recited in the subject claims. Moreover, Halperin discloses identification that is performed when the person using the phone depresses one or more keys, in contrast to applicants' claimed system where no such user action is required. In addition, there is nothing in Halperin that can be construed to suggest that one keypad can identify itself to a host device. To the contrary, there is ample evidence that the detachable keypads are in fact fungible; more than one keypad can be used with a single handset without the handset being made aware of the fact. The keypad in Halperin is disclosed as using RFID tags for passive use. There is no power or battery on the keypad, and the handset simply recognizes an RFID signal when a key is depressed in order to record keystrokes. As will be appreciated by one of skill in the art, such keypads are fungible. Using more than one keypad in this context will have no appreciable affect on the handset. In contrast, applicants' claimed system allows the *keypad to identify itself to the host device*.

In view of the foregoing, it is readily apparent that the subject claims are in condition for allowance, and the rejections of claims 1-5, 8, 10-14, 16-18 and 20-22 should be withdrawn.

### **III. Rejection of Claim 7 Under 35 U.S.C. §103(a)**

Claims 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kela and further in view of Halperin as applied to claim 1 above, and further in view of US Patent No. 5,841,857 Zoiss et al. (Zoiss). Withdrawal of the rejection is requested for at least the following reason. Claim 7 depends from independent claim 1, and neither

Kela, Halperin, nor Zoiss remedies the aforementioned deficiencies with respect to independent claim 1. Accordingly, this rejection should be withdrawn.

**IV. Rejection of Claim 9 Under 35 U.S.C. §103(a)**

Claims 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kela and Halperin as applied to claim 1 above, and further in view of US Patent No. 5,517,683 Collett et al. (Collett). Withdrawal of the rejection is requested for at least the following reason. Claim 9 depends from independent claim 1, and neither Kela, Halperin, nor Collett remedies the aforementioned deficiencies with respect to independent claim 1. Accordingly, this rejection should be withdrawn.

**V. Rejection of Claim 19 Under 35 U.S.C. §103(a)**

Claims 19 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kela and Halperin as applied to claim 18 above, and further in view of US Patent No. 6,785,395 Arneson et al. (Arneson). Withdrawal of the rejection is requested for at least the following reason. Claim 19 depends from independent claim 16, and neither Kela, Halperin, nor Collett remedies the aforementioned deficiencies with respect to independent claim 16. Accordingly, this rejection should be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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